

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

MILO WALLACE,

Petitioner,

v.

UNKNOWN,

Respondent.

No. 2:21-cv-00927 TLN DB P

ORDER AND FINDINGS AND
RECOMMENDATIONS

Petitioner is a state prisoner proceeding pro se with a petition for writ of habeas corpus. On June 1, 2021, the court dismissed petitioner's application for writ of habeas corpus with leave to file an amended petition within thirty days. (ECF No. 3.) On August 26, 2021, the court ordered the petitioner to show cause why this action should not be dismissed for failure to file an amended petition. (ECF No. 9.) Petitioner was warned that failure to comply with court orders would result in a recommendation that this action be dismissed. (Id. at 3.)

More than thirty days have passed and petitioner has not filed an amended petition, responded to the order to show cause, requested an extension of time, or otherwise responded to the court's orders. Accordingly, it will be recommended that this action be dismissed for failure to comply with court orders and failure to prosecute.

////

////

////

1 For the reasons state above, IT IS HEREBY RECOMMENDED that this action be
2 dismissed without prejudice. See Local Rule 110; Fed. R. Civ. P. 41(b).

3 These findings and recommendations are submitted to the United States District Judge
4 assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within thirty days after
5 being served with these findings and recommendations, petitioner may file written objections
6 with the court and serve a copy on all parties. Such a document should be captioned "Objections
7 to Magistrate Judge's Findings and Recommendations." Petitioner is advised that failure to file
8 objections within the specified time may waive the right to appeal the District Court's order.
9 Martinez v. Ylst, 951 F.2d 1153 (9th Cir. 1991).

10 Dated: October 13, 2021

11
12 
13 DEBORAH BARNES
14 UNITED STATES MAGISTRATE JUDGE
15

16 DB:14
17 DB/DB Prisoner Inbox/Civil Rights/R/wall0927.fr.dism
18
19
20
21
22
23
24
25
26
27
28